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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ERIC GLATT and ALEXANDER FOOTMAN,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

FOX SEARCHLIGHT PICTURES INC.,

Defendant.

No. 11 Civ. 6784 (WHP)

**DECLARATION OF ELIZABETH WAGONER IN SUPPORT OF PLAINTIFFS'
MOTION FOR LEAVE TO AMEND THE COMPLAINT AND TO JOIN PLAINTIFFS
EDEN ANTALIK AND KANENE GRATTS AS NAMED PLAINTIFFS AND FOX
ENTERTAINMENT GROUP, INC. AS A DEFENDANT**

I, Elizabeth Wagoner, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an attorney at Outten & Golden LLP, Plaintiffs' counsel herein. I am an attorney in good standing admitted to practice in the State of New York and before this Court.
2. I make the statements in this Declaration based on my personal knowledge and would so testify if called as a witness at trial.
3. Pursuant to Paragraph 15 of the Confidentiality Order, ECF No. 11, ("Confidentiality Order"), Defendant must seek a protective order from the Court with respect to

its confidential designation of documents in its production within seven (7) business days of receiving Plaintiffs' written notice challenging that designation.

4. On August 30, 2012, Plaintiffs provided Defendant with written notice challenging the confidential designation of Exhibit 4 and Exhibit 6 to the Declaration of Rachel Bien, filed with placeholders on September 5, 2012, ECF Nos. 29-4 and 29-6.

5. Defendant has not filed a motion to seal Exhibit 4 or Exhibit 6. Its time to do so expired on September 10, 2012. On September 11, 2012, Defendant advised Plaintiffs that it did not intend to file a motion to seal, but requested that Plaintiffs redact home address information from any Exhibit before filing it.

6. On September 25, 2012, Plaintiffs provided Defendant with written notice challenging the confidential designation of Exhibit 13 to the Supplemental Declaration of Rachel Bien, filed with a placeholder on September 25, 2012, ECF No. 42-2.

7. Defendant has not filed a motion to seal Exhibit 13. Its time to do so expired on October 4, 2012. On October 5, 2012, Defendant approved the version Exhibit 13 that is attached hereto.

8. Attached as **Exhibit 4** is a true and correct copy of a document, Email from Aimee Hoffman to Intern Supervisors, dated February 17, 2010, which was marked as Exhibit 2 in the deposition of Aimee Hoffman.

9. Attached as **Exhibit 6** is a true and correct copy of a document, Intern Welcome Letter, which was marked as Exhibit 7 in the deposition of Aimee Hoffman. Home address information has been redacted from this Exhibit pursuant to Paragraph 1 of the Confidentiality Order.

10. Attached as **Exhibit 13** is a true and correct copy of email correspondence between Aimee Hoffman, John Maybee, and Eden Antalik, dated July 21-23, 2009 (“Emails, dated July 21-23, 2009”). Full email addresses, addresses, phone numbers, and fax numbers have been redacted from this Exhibit pursuant to Paragraph 1 of the Confidentiality Order.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 5, 2012
New York, New York

/s/ Elizabeth Wagoner
Elizabeth Wagoner

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